

NAGEL RICE, LLP  
Bruce H. Nagel, Esq.  
103 Eisenhower Parkway  
Roseland, NJ 07068  
973-618-0400  
bnagel@nagelrice.com  
Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

<p>NEW WALLINGTON HOME, LLC, a New Jersey limited liability company; MORNINGSIDE at WALLINGTON, LLC, a New Jersey limited liability company,</p> <p>Plaintiffs, vs. BOROUGH OF WALLINGTON, and BOROUGH OF WALLINGTON PLANNING BOARD, Defendants.</p>	<p>Civil Action No.2:20-cv-08178</p> <p><b>STIPULATION REGARDING BRIEFING SCHEDULE OF DEFENDANTS' MOTIONS TO DISMISS</b></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------

WHEREAS Defendant Borough of Wallington (“BW”) filed a Motion to Dismiss Plaintiffs’ Complaint which is currently returnable on October 19, 2020;

WHEREAS Plaintiffs’ opposition papers to the BW Motion to Dismiss are currently due on October 5, 2020;

WHEREAS Defendant Borough of Wallington Planning Board (“BWPB”) filed a Motion to Dismiss Plaintiffs’ Complaint which is currently returnable on November 2, 2020;

WHEREAS Plaintiffs’ opposition papers to the BWPB Motion to Dismiss are currently due on October 19, 2020;

WHEREAS, the parties would like to set a briefing schedule with regard to both Defendants' Motions to Dismiss;

WHEREAS, Plaintiffs require additional time to file their opposition papers to the BW and BWPB Motions to Dismiss and the parties have conferred and agreed to a new briefing schedule and hearing date thereon;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the plaintiffs and defendants, by and through their respective undersigned counsel, that:

1. Plaintiffs shall file and serve its opposition papers to the BW and BWPB Motions to Dismiss the Complaint no later than November 9, 2020;
2. Defendants BW and BWPB shall file and serve its reply papers with regard to the Motions to Dismiss no later than November 30, 2020.
3. The BW and BWPB's Motions to Dismiss shall be returnable on December 7, 2020.

ACCEPTED AND AGREED:

Dated: October 2, 2020

Bruce H. Nagel  
NAGEL RICE, LLP  
103 Eisenhower Parkway  
Roseland, NJ 07068

By: s/ Bruce H. Nagel  
Attorneys for Plaintiffs

Leonard E. Seaman  
The Law Offices of Richard Malagiere, PC  
250 Moonachie Road, Suite 102  
Moonachie, NJ 07074

By: s/ Leonard E. Seaman  
Attorneys for Defendant Borough of Wallington

Mary McDonnell  
Pfund McDonnell, P.C.  
139 Prospect Street, 2cd Floor  
Ridgewood, NJ 07450

By: s/ Mary McDonnell  
Attorneys for Defendant Borough of Wallington  
Planning Board

The above Stipulation is SO ORDERED THIS 13 day of  
October, 2020

  
HONORABLE CLAIRE C. CECCHI  
United States District Court Judge